

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JULIA KIM, et al., Individually and
On Behalf of All Others Similarly
Situated,

Plaintiffs,

v.

CEDAR REALTY TRUST, INC., et
al.,

Defendants.

Case No.: 1:22-cv-1103-GLR

DAVID SYDNEY, et al., Individually
and On Behalf of All Others Similarly
Situated,

Plaintiffs,

v.

CEDAR REALTY TRUST, INC., et
al.,

Defendants.

Case No.: 8:22-cv-1142-GLR

STIPULATION AND SCHEDULING ORDER

Plaintiffs and Defendants (collectively, the “Parties”) submit this Stipulation and [Proposed] Order on consolidation and scheduling as follows:

WHEREAS, on May 6, 2022, Plaintiff Julia Kim filed the complaint in the above-captioned action *Kim v. Cedar Realty Trust, Inc.*, 1:22-cv-1103-GLR (the “Kim Action”) (*Kim*, ECF No. 1);

WHEREAS, on May 11, 2022, the complaint in *Sydney v. Cedar Realty Trust, Inc.*, 8:22-cv-1142-GLR (the “Sydney Action”), was removed to this Court from the Circuit Court of Maryland for Montgomery County (*Sydney*, ECF No. 1);

WHEREAS, on May 13, 2022, Plaintiffs in the Sydney Action filed a Motion for Temporary Restraining Order (the “TRO Motion”), which the parties stipulated and the Court so-ordered to treat as a motion for a preliminary injunction (*Sydney*, ECF Nos. 13, 23, 24);

WHEREAS, on June 2, 2022, Plaintiff in the Kim Action filed a Motion for Preliminary Injunction (the “PI Motion”) (*Kim*, ECF No. 11);

WHEREAS, on June 22, 2022, in light of the overlapping issues raised in the TRO Motion and the PI Motion, the Court held a joint hearing on both motions (*Sydney*, ECF No. 55);

WHEREAS, on June 23, 2022, by separate Orders, the Court denied the TRO Motion and the PI Motion (*Kim*, ECF No. 28; *Sydney*, ECF No. 57);

WHEREAS, the Sydney Action and Kim Action involve common questions of law and fact such that consolidation is appropriate;

WHEREFORE, the Parties agree and stipulate that:

1. Pursuant to Federal Rule of Civil Procedure 42(a), the Kim Action and Sydney Action are hereby consolidated under case number 1:22-cv-1103-GLR, and all future filings in this matter shall be captioned as follows:

IN RE CEDAR REALTY TRUST,
INC. PREFERRED SHAREHOLDER
LITIGATION

Case No.: 1:22-cv-1103-GLR

2. Plaintiffs will file a consolidated amended complaint by August 24, 2022.
3. Defendants shall move to dismiss or otherwise answer the consolidated amended complaint by October 7, 2022.
4. If motion(s) to dismiss are filed, Plaintiffs shall have until November 21, 2022 to respond to the motion(s) to dismiss.
5. Defendants shall have until December 21, 2022 to file a reply.

Dated: July 7, 2022

Respectfully submitted,

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ORDER

This Court has considered the foregoing Stipulation and Proposed Scheduling Order, and **IT IS HEREBY ORDERED** this 11th day of July, 2022:

1. Pursuant to Federal Rule of Civil Procedure 42(a), the Sydney Action and Kim Action are hereby consolidated under case number 1:22-cv-1103-GLR, and all future filings in this matter shall be captioned as follows:

IN RE CEDAR REALTY TRUST,
INC. PREFERRED SHAREHOLDER
LITIGATION

Case No.: 1:22-cv-1103-GLR

2. Plaintiffs shall file a consolidated amended complaint by August 24, 2022.

3. Defendants shall move to dismiss or otherwise answer the consolidated amended complaint by October 7, 2022.

4. If motion(s) to dismiss are filed, Plaintiffs shall have until November 21, 2022 to respond to the motion(s) to dismiss.

5. Defendants shall have until December 21, 2022 to file a reply.

/s/

Hon. George L. Russell, III, U.S.D.J.